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Amendment No. 2 to HB0643

**Odom
Signature of Sponsor**

AMEND Senate Bill No. 739*

House Bill No. 643

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-27-103, is amended by deleting that section in its entirety and by substituting instead the following:

62-27-103 (a) Any polygraph machine used to test or question individuals for the purposes of detecting deception or verifying truth of statements shall record visually, permanently, and simultaneously:

- (1) A person's cardiovascular pattern;
- (2) A person's respiratory or breathing pattern; and
- (3) Electrodermal or galvanic skin response pattern

as minimum standards of instrumentation.

(b) Patterns of other physiological changes in addition to subdivisions (a)(1) and (a)(2) may also be recorded.

(c) The use of any other instrument or device to detect deception or to verify truth of statements that does not meet these minimum instrumentation requirements is prohibited except that such other instrument or device may be used by law enforcement officers in the course of their full-time employment with a federal, state or local law enforcement agency who are certified to operate such instrument or device.

SECTION 2. Tennessee Code Annotated, Section 62-27-106, is amended by deleting that section in its entirety and by substituting instead the following:

62-27-106 (a) It is unlawful for any person, including a city, county or state employee to administer polygraph examinations, or represent to be a

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polygraph examiner without holding a valid polygraph examiner's license issued by the commission.

(b) It is unlawful for any person, other than a POST-certified law enforcement officer acting in accordance with Section 62-27-103(c), to operate any instrument or device to detect deception or verify the truth of statements that does not meet the minimum instrumentation requirements set forth in Section 62-27-103(a) or to use any title or make any representation tending to indicate that such person is qualified to detect deception or verify truth of statements through the use of such instrument or device.

(c) A violation of this section is a Class B misdemeanor.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.